



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 05061-99  
12 April 2000

CAP [REDACTED] SNR  
[REDACTED]  
[REDACTED]

Dear Commander [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 13 December 1999 and 25 January 2000, copies of which are attached. The Board also considered your letter dated 22 February 2000 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. Notwithstanding paragraph 3 of the advisory opinion dated 13 December 1999, the Board substantially concurred with the advisory opinion dated 25 January 2000. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5060-99

1610  
PERS-311  
13 December 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: CDR [REDACTED], USNR [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. As requested by (PERS-86) we have completed a comprehensive review of Command [REDACTED] mess reports.

2. Based on our review of the material provided, we find the following:

a. The fitness report for the period 1 October 1995 to 30 September 1996 had the wrong back page attached to the report and it has been corrected to reflect the correct back page next to the front page.

b. The fitness report for the period 1 October 1996 to 30 September 1997 had the wrong back page attached to the report and it has been corrected to reflect the correct back page next to the front page.

c. Numerous other corrections have also been completed to ensure the member's digitized record and Performance Summary Record (PSR) is readable to reviewers. Several fitness reports that were unreadable have been replaced; reports that were out of place have been placed in the correct order and position.

3. The member indicated he failed to select to 06 off the FY-00 Inactive (Line) Captain selection board. It is our opinion his record was not reviewable and fully supports his request for the removal of his failure to select.

[REDACTED]

Head, Performance  
Evaluation Branch

5061-99



# DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420

PERS-86

25 JAN 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL  
RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
COMMANDER [REDACTED] USNR [REDACTED]

Encl: (1) BCNR File 05061-99 w/Service record

1. We are returning enclosure (1) with the following observations and the recommendation that Commander [REDACTED] petition be denied.
2. Commander Miller was properly considered for promotion by the FY 2000 Naval Reserve Captain Line promotion selection board. He was not selected. Commander [REDACTED] communicated in writing with the selection board as is his right. The correspondence was delivered to the selection board in a timely fashion in accordance with applicable laws and regulations. Specific reasons for his non-selection are not available since board proceedings are sensitive in nature and records of deliberations are not kept.
3. It is our opinion that the discrepancies noted in CDR [REDACTED] petition, which affected only three reports of a total of forty in the record, did not have a significant impact on his promotion potential. The OSR/PSR, which is the primary document the selection board uses to brief the record, correctly reflected the performance marks assigned to CDR [REDACTED] in each of the fitness reports. Commander [REDACTED] was aware of the discrepancies and exercised his option to make the selection board aware of the situation by communicating in writing with the selection board well before it convened. It is our opinion that the selection board would have been aware of the situation and would have been able to properly match the fronts and backs of the reports, if it had been necessary. Also, since the material was available and provided to the boards, the board would have been able to easily consider the content of the reports, regardless of the physical layout of the documents. It is our opinion that Commander

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
COMMANDER [REDACTED] USNR, [REDACTED]

[REDACTED] record simply was not competitive enough when viewed  
within the numerical constraints placed on the board.

4. Commander [REDACTED] can be justifiably proud of his record and  
contributions; the negative response to his petition does not  
detract from his honorable service to this nation and the United  
States Navy.

[REDACTED]  
C  
Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division